

Amendments to the Drawings:

The sheets of drawings attached in the Appendix include changes to FIG. 1. Included are an Annotated Sheet and a Replacement Sheet. FIG. 1 has been amended to include reference numeral 17 to identify the “means for locking” of claim 1.

Support for Amendment:

Amendments to the Specification

The specification has primarily been amended for formalistic purposes. Specifically, the name Teflon® has been changed so that it appears in entirely all capital letters. Additionally, reference numeral 17 which now appears on amended FIG. 1 has been inserted at relevant points in the specification.

Amendments to the Claims

Claims 1-14 have been amended for formatting purposes, such as removing reference numerals. Please note that some of the changes to claims 1, 10 and 12 reflect amendments to the original PCT application which were not incorporated in the Preliminary Amendment for this Application. However, the excluded changes were reflected in PCT Publication WO 2004/02243 A1, which formed the basis for the original set of claims in this Application.

Claims 1 and 12 have been amended to further specify that the slide belt is constructed to rest directly on the ground when the slide foot slides over the belt. Support for this language can be found at lines 31-35 on page 6 of the specification and on FIGS. 2 and 4.

Claims 1, 8 and 12 have been amended to clarify that the device is for facilitating loading and/or unloading. Support for this language can be found throughout the specification and drawings.

Claim 12 has been amended to clarify that providing a goods wagon is part of the claimed method. Support for this language can be found throughout the specification.

Claim 12 has been amended to eliminate references to “moved laterally” and to add language to the effect that the locking means is activated and inactivated by means of raising and lowering means. Support for this language can be found at lines 28-30 on page 5 and at lines 23-25 on page 7 of the specification.

Amendments to the Drawings

FIG. 1 has been amended to include reference numeral 17 to identify the already shown means for locking. Support for the locking means can be found in the specification at lines 28-30 of page 5 and at lines 23-25 of page 7.

No new matter is introduced by this amendment, and entry thereof is requested.

REMARKS

The Office Action mailed June 10, 2008 has been received and the Examiner's comments carefully reviewed. Claims 1-14, Figure 1 and the specification have been amended. Claims 1-14 are currently pending. Applicants respectfully submit that the pending claims are in condition for allowance.

The Office Action includes a number of objections to the drawings, specification and claims in addition to several prior art-based rejections of the claims. Each of the objections and rejections is discussed in turn.

Objections to the drawings

In the Office Action, the drawings are objected to under 37 CFR 1.83(a) for not showing the "means for locking" specified in claim 1. FIG. 1 has been amended to include reference numeral 17 which identifies the means for locking. Applicant submits that the amended drawings overcome the Examiner's objections regarding the means for locking.

In the Office Action, the drawings were rejected under 37 CFR 1.83(a) for not showing the "upwardly bent ends" of the slide foot, as specified in claim 2. This objection is traversed.

37 C.F.R. 1.83(a) states that drawings are required where necessary for the understanding of the subject matter sought to be patented. The Examiner is referred to Figures 1 to 4. These figures show the slide foot from four different views. The slide foot is additionally described throughout the specification. The upwardly bent ends of the slide foot, which are described at lines 16-18 of page 6 of the specification, do not require a further drawing because such a modification is generally known in the art and further drawings are not necessary for understanding of the subject matter. Further, the disclosure as a whole enables one having ordinary skill in the art to construct a slide foot having upwardly bent ends without undue experimentation. Therefore, Applicant requests that the objection to the drawings be withdrawn.

Objections to the specification and claims

In the Office Action, claim 1 is objected to for using "at least one end" instead of "said at least one end" because it is a previously set forth element in the claim. Claim 1 has been amended accordingly.

In the Office Action, the specification is objected to for the use of the trademark "Teflon" without capitalizing all letters in the word. The specification has been amended accordingly.

In the Office Action, claim 6 is objected to for using a "@" instead of "®." Claim 6 has been amended to delete the reference entirely and the objection is therefore inapplicable.

Applicant submits that the above mentioned amendments overcome the Examiner's objections and withdrawal is requested.

Rejections of claims under 35 U.S.C. §112, first paragraph

In the Office Action, claim 1 is rejected under 35 U.S.C. §112, first paragraph. Specifically, the Office Action asserts that the specification does not enable the following claim limitation: "means for raising the load carrying unit are provided for inactivating the locking means." The rejection is traversed. Referring to lines 24-30 on page 5 of the specification, a description is provided which fully describes the process by which the load-carrying unit is raised through the lowering of the slide foot and slide belt which contacts the ground and raises the load carrying unit. As further stated in the specification, it is the raising of the load carrying unit which "inactivates the locking means between the load-carrying unit 5 and the wagon portions 10." Further support can be found at lines 28-30 on page 5. Therefore, Applicant submits that the language of claim 1 is fully enabled by the specification.

In the Office Action, claim 12 is also rejected under 35 U.S.C. §112, first paragraph. Specifically, the Office Action asserts that the specification does not enable the following claim limitation: "the ends of the load carrying unit is [sic] moved laterally, thereby inactivating the locking means." The rejection is traversed. However, Applicant has amended claim 12 to eliminate references to "moved laterally" and have clarified that the "means of raising and lowering means" inactivates and activates the locking means. Because the objected to claim language has been removed and the added claim language is supported in the specification, Applicant requests that the 35 U.S.C. §112, first paragraph rejection be withdrawn.

Rejection of claims under 35 U.S.C. §112, second paragraph

In the Office Action, claims 1, 8 and 12 are rejected as being indefinite due to the following claim language: "loading/unloading." This language has been replaced with the

phrase “loading and/or unloading” in order to render the meaning more definite. Applicant submits that the amendment overcomes the rejection that claims 1, 8 and 12 are indefinite under 35 U.S.C. §112, second paragraph.

In the Office Action, claim 1 is rejected under the assertion that the following language lacks antecedent basis: “the means for raising the load carrying unit.” Applicant has amended claim 1 to remove “the” from the limitation. Applicant submits that amended claim 1 overcomes the lack of antecedent basis rejection under 35 U.S.C. §112, second paragraph.

In the Office Action, claim 6 is rejected as being indefinite due to the following claim language: “e.g Teflon.” Claim 6 has been amended to delete this language from the claim in its entirety. Applicant submits that amended claim 6 renders the rejection under 35 U.S.C. §112, second paragraph inapplicable.

In the Office Action, claim 12 is rejected as being indefinite because of the following claim language: “wherein the ends of the load-carrying unit (5) is [sic] moved laterally, thereby inactivating the locking means, by means of at least one slide foot that slides over an corresponding slide belt during lateral displacement of at least one end of the load-carrying unit.” As stated previously, claim 12 has been amended and no longer includes references to “moved laterally.” Therefore, Applicant submits that the rejection of claim 12 as being indefinite under 35 U.S.C. §112, second paragraph is now inapplicable.

In the Office Action, claim 12 is additionally rejected as being indefinite under the assertion that it is unclear whether providing the wagon is a necessary step in the method. Applicant has amended claim 12 to specify that “providing a goods wagon” is an included step in the method claim. Therefore, Applicant submits that the rejection of claim 12 as being indefinite under 35 U.S.C. §112, second paragraph has been overcome.

35 USC §102(b) rejection over U.S. 2,246,543 to Smith

In the Office Action, 1-2, 8 and 10-14 are rejected under 35 U.S.C. §102(b) as being anticipated by Smith. This rejection is traversed.

Claims 1 and 12 are amended. Amended claims 1 and 2 specify a device and method respectively involving a goods wagon which comprises a load carrying unit, two wagon portions and means for locking the wagons to the load carrying unit which are separable. Additionally,

the load carrying unit is provided with at least one slide foot that slides over a slide belt which is constructed to rest directly on the ground when the slide foot slides over the slide belt.

Smith discloses a railroad car having a rotatable loading platform which relies upon track members (26, 27, 28) and roller means (47, 48) wherein the track members are rigidly mounted to the top of the train car structure (15, 16). Additionally, a loading and unloading platform (22, 23, 24) having end and side walls (40, 41, 42) is mounted to the rollers. It is the rolling motion of the roller means on the track members which allows the loading platform to rotate above the train car structure.

Smith does not anticipate claims 1 and 12 for at least two reasons. First, there is no sliding motion between the track members and the rollers in Smith. Instead, the rollers roll across the top of the track members. Second, the track members in Smith do not rest directly on the ground when the loading and unloading platform is being displaced. Instead, the track members are always at an elevated position above the train car structure which rigidly supports the track members. For at least the foregoing reasons, Smith does not anticipate independent claims 1 and 12. Because claims 2-11 depend from claim 1 and claims 13-14 depend from claim 12, they are likewise patentable. Withdrawal of the rejection is requested.

35 USC §103(a) rejection over U.S. 2,246,543 to Smith

In the Office Action, claims 3-7 are rejected under 35 U.S.C. §103(a) as being obvious and unpatentable over Smith. The rejection is traversed. Because claims 3-7 depend from claim 1, they are patentable for at least the same reasons already made in support of claim 1.

Further, independent claims 1 and 12 are not obvious over Smith because modifying Smith in order to arrive at the subject matter of claims 1 and 12 would destroy the other teachings of Smith. Smith teaches a loading and unloading platform for a train car which is rotatable (or laterally displaceable) and which is supported by the train car structure itself. Were the track members of Smith, moved to the underside of the train car structure such that they could come into contact with the ground, an inoperable result would occur. Specifically, the track members would no longer be able to support the loading and unloading platform because the train car structure would directly interfere between the track members and the platform. Because an inoperable result would occur, Smith does not render claims 1-14 obvious.

Additionally, Smith does not disclose any embodiment in which a slide belt and a slide foot perform a sliding motion to enable a load carrying unit to rotate or to be laterally displaced. The only disclosures in Smith directed at enabling displacement of the loading and unloading platform relate to the utilization of rotatable components, such as "rolling means", "rolling contact antifriction bearing means" and "wheel receiving members." As such, Smith provides no teaching, suggestion or motivation to arrive at the claimed subject matter. For at least all of the foregoing reasons, claims 1-14 are unobvious over Smith.

35 U.S.C. § 103(a) Rejection over Smith in view of US 3,232,242 to Krueger

In the Office Action, claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Smith in view of Krueger. The rejection is traversed. Claim 9 depends from claim 1 and is thus not obvious for at least the reasons already stated in support of claim 1.

In addition to the specifications of claim 1, claim 9 adds the further limitation that the load carrying unit is raised and lowered by means connecting the load-carrying unit with the slide foot.

Krueger teaches a railroad car with a way structure (M) which rotates about a central axis through the use of a plurality of rollers (40-43) which are connected to a rotatable central plate (30) via brackets (40B-43B). The rotatable center plate and the rollers are elevated and lowered a limited distance for clearance purposes by a hydraulic device (32, 48, 49) so that the way structure can be freely rotated.

Krueger, in combination with Smith, does not render claim 9 obvious because claim 9 requires that the means which connect the slide foot to the load carrying unit also provide the function of raising and lowering the load carrying unit. In contrast, these two functions are accomplished by two separate elements in Krueger. The function of connecting the way structure (67) to the rollers (40-43) is accomplished via brackets (40B-43B) which are rigidly connected to the rotatable center plate (30). The function of raising and lowering the way structure (M) is performed by the hydraulic device (32, 48, 49). As such, Krueger fails to disclose, suggest or teach a device in which a load carrying unit is raised and lowered by means connecting the load carrying unit with the slide foot. For at least this reason, claim 9 is not obvious over Smith in view of Krueger.

Further, it is asserted in the Office Action that the plurality of rollers (40-43) in Krueger are the equivalent of a slide foot, as specified in claims 1 and 12. However, the rollers of Krueger, similarly to Smith, do not actually perform a sliding function. Instead, the rollers of Krueger roll across the top of the hydraulic device (32, 48, 49). Thus, Krueger fails to disclose, teach or suggest a fundamental aspect of claims 1 and 12 which is the existence of a slide foot which slides across a slide belt. As such, Krueger also fails to disclose a device wherein a slide belt rests directly on the ground when a slide foot slides over the slide belt. For at least these reasons, independent claims 1 and 12 and dependent claims 2-11 and 13-14 are not obvious over Smith in view of Krueger.

SUMMARY

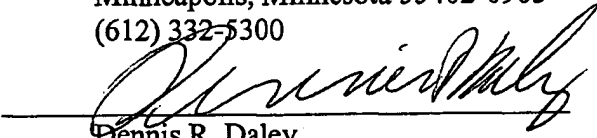
In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,



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